

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 5490UK-000002/US/NP
INTERNATIONAL APPLICATION NO. PCT/GB2004/002367		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/559151
INTERNATIONAL FILING DATE 4 June 2004		PRIORITY DATE CLAIMED 6 June 2003
TITLE OF INVENTION <div style="text-align: center;">SURGICAL DEVICE</div>		
APPLICANT(S) FOR DO/EO/US <div style="text-align: center;">Nick J. Metcalfe et al.</div>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> A Corrected Application Data Sheet under 37 CFR 1.76 w/ Application Data Sheet showing mark-up.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/559151</b>		INTERNATIONAL APPLICATION NO. <b>PCT/GB2004/002367</b>		ATTORNEY'S DOCKET NUMBER <b>5490UK-000002/US/NP</b>	
20. <input checked="" type="checkbox"/> Other items or information:		Certificate of Express Mailing (Label EV 843 6564 981 US) Response to Notification of Missing Requirements Under 35 USC 371 w/ Request for One Month Extension of Time; Statement Under 37 CFR 3.73(b) w/signed Assignment; Copy of Notification of Missing Requirements Under 35 USC 371 Return Receipt Postcard			
The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) .....		\$300		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$0			
All other situations .....		\$200			
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$0			
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400			
All other situations .....		\$500			
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x		
Independent claims	- 3 =		x		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>PETITION FOR ONE MONTH EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>				\$ 120.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 250.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

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01 FC:1617  
02 FC:1251130.00 OP  
120.00 OP

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- a. ☒ Two checks in the amount of \$ 250.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Richard W. Warner  
HARNESSE, DICKEY & PIERCE, P.L.C.  
P. O. Box 828  
Bloomfield Hills, MI 48303  
United States of America

  
SIGNATURE

Richard W. Warner  
NAME

CUSTOMER NUMBER: 27572

38,043  
REGISTRATION NUMBER

Dated: June 19, 2006

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 843 564 981 US** in an envelope addressed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 19, 2006  
Date



Signature

**Richard W. Warner**

Typed or printed name of person signing Certificate

38,043  
Registration Number, if applicable

(248) 641-1600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Certificate of Express Mailing (Label EV 843 564 981 US);
2. Two checks totalling \$250.00;
3. Transmittal Letter to the DO/EOUS (3 pages, in duplicate);
4. Response to Notification of Missing Requirements Under 35 U.S.C. 371 with One Month Request for Extension of Time Under 37 CFR 1.136(a) (2 pages);
5. Signed Declaration and Power of Attorney (4 pages);
6. Statement Under 37 CFR 3.73(b) w/copy of signed Assignment (4 pages);
7. Corrected Application Data Sheet (3 pages);
8. Application Data Sheet showing mark-up (3 pages);
9. Copy of Notification of Missing Requirements Under 35 USC 371;
10. Return Receipt Postcard.